

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Mail Processing Network Rationalization
Service Changes, 2012

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION FOR IMMEDIATE ACCESS TO
NON-PUBLIC INFORMATION IDENTIFIED
AS USPS-LR-N2012-1/NP12
(February 9, 2011)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access Postal Service Library Reference USPS-LR-N2012-1/NP12 USPS AMP Studies (2008-2011).

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP12 on January 31, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that materials in the Library Reference consist of two categories of information:

The first category consists of those portions of each AMP study that reveal either

(a) product-specific volumes for various postal products that originate and/or destinate in the service areas of specific mail processing plants in the Postal Service network or (b) data from which those volumes can be deduced.

The second category consists of the names and addresses of specific postal customers who are provided notice of each AMP-related determination (or decision milestone) in conjunction with public notices issued in accordance with the USPS AMP Communications Plan (LR-N2012-1/12).¹

The Postal Service asserts that under good business practice the first category of

¹ Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP12 (January 31, 2012).

information would not be publicly disclosed² and if it were, it is quite likely that the Postal Service will suffer commercial harm as a result.³ The Postal Service asserts that disclosure of the volume data “would unfairly, to the economic detriment of the Postal Service, permit competitors to: “gain specific insight into local Postal Service customer behavior; better gauge the size of the delivery market in specific service areas, and develop strategies for determining what marketing resources to devote to further penetration of specific local markets”⁴ and requests that these materials “be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as well as their consultants and attorneys.”⁵ The Postal Service contends that the second category contains information that the Postal Service “routinely withholds from public disclosure under 39 U.S.C. § 412.”⁶ The Postal Service requests that “the customer names or addresses should be withheld from participants in this proceeding who do not agree to abide by protective conditions prohibiting them from disclosing those names or addresses to persons who are not explicitly bound by those same protective conditions, consistent with the intent of 39 U.S.C. § 412.”⁷

While it is true that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor and poses no risk to the commercial success of the Postal Service. APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and will participate actively in this docket. APWU also intends to submit rebuttal testimony. Parties should be entitled to material that has direct bearing on the Postal Service’s conclusions and rationale in the Postal Service’s case to fully evaluate the Postal Service’s plan in this docket. We

² Id. at 3.

³ Id. at 4.

⁴ Id.

⁵ Id. at 6.

⁶ Id. at 4

⁷ Id. at 6.

believe that the information presented in USPS-LR-N2012-1/NP12 will facilitate preparation of our rebuttal case, possible cross examination of postal witnesses and our arguments on brief at the conclusion on this case.

In accordance with 39 CFR 3007.40(b), the following APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP12:

Phillip A. Tabbita,
Manager, Negotiation Support and Special Projects
American Postal Workers Union, AFL-CIO

Kathryn Kobe,
Director of Price, Wage and Productivity Analysis ECS, LLC
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Pierre Kacha
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Donald M. Baron
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Kyle Stamper
Commonwealth Computer Research, Inc.
Systems Engineer
Decision/Analysis Partners

Robert M. Bloomer, Jr.
National Business Agent
American Postal Workers Union, AFL-CIO

William Mellen
National Business Agent
American Postal Workers Union, AFL-CIO

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion today by email.

Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP12. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library Reference N2012-1/NP12 to the above named individuals.

Conclusion

For the forgoing reasons, APWU respectfully requests that access to Library Reference USPS-LR-N2012-1/NP12 be immediately granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO